

**MINUTES
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
UTAH WATER QUALITY BOARD MEETING**

288 North 1460 West
Cannon Building, Room 125
Salt Lake City, Utah
October 20, 2000
9:30 p.m.

UTAH WATER QUALITY BOARD MEMBERS PRESENT

K.C. Shaw, Chair
Douglas E. Thompson
Robert G. Adams
John R. Cushing

Ron C. Sims
Nan W. Bunker
J. Ann Wechsler
William R. Williams

DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT

Don Ostler, Faye Bell, Nancy Hess, Walter Baker, Jay Pitkin, Shelly Quick, J.D. McDonald, Harry Judd, Dennis Frederick, Tom Toole, Tim Beavers, Candace Cady, Beth Wondimu, Dave Rupp, Fred Pehrson, Paul Krauth.

OTHERS PRESENT

<u>Name</u>	<u>Organization Representing</u>
Kent Miner	Fairview City
Ronald Gilos	Fairview City
John Iverson	Sunrise Engineering
Doug Nielson	Sunrise Engineering
Daron LeBlanc	Sunrise Engineering
Brian Davis	Sunrise Engineering
Michael Johnson	Millville City

Chairman Shaw called the Board meeting to order at 9:30 a.m. He welcomed those in attendance and invited the members of the audience to introduce themselves.

APPROVAL OF MINUTES OF THE SEPTEMBER 15, 2000 MEETING

Chairman Shaw noted the following change: Page 2, second paragraph, 4th line down, the word “*Statue*”, should read “*statute*”.

Action Taken: **It was moved by Mayor Thompson, seconded by Dr. Sims, and unanimously carried to approve the minutes of the September 15, 2000 meeting with the above noted correction.**

APPROVAL OF FY2000 303(d) LIST REPORT

Mr. Tom Toole distributed a packet to the Board which gave an overview of the state's 2000 303(d) list (Attachment I). He said that the 303(d) list identifies those rivers, streams and water bodies not supporting their beneficial uses and for which the state is required to do a Total Maximum Daily Load (TMDL) analysis. He said that the state's 303(d) list is currently being reviewed by EPA. Mr. Toole said that there are 130 water bodies identified on the list that had at least one beneficial use that was not being supported. Mr. Toole discusses several technical and administrative aspects of the 303(d) list as outlined in Attachment I.

Mr. Toole also distributed a fact sheet prepared for the Weber River Watershed Management Unit as part of the Water Quality Assessment Program (Attachment II). He said that the staff will be preparing this type of summary on a regular basis as water quality assessment reports are prepared for each of the state's watershed management units.

Action Taken: **It was moved by Dr. Sims, seconded by Mayor Thompson and unanimously carried to approve the FY2000 303(d) for submittal to EPA as per staff's recommendation.**

STATUS REPORTS

- 1. TMDL Development** - Mr. Harry Judd gave an overview of the TMDL Program and updated the Board on current projects being addressed by staff. Mr. Judd said that staff is currently focusing resources on complex TMDLs that involve issues such as multiple point and nonpoint sources and groundwater. Mr. Judd discussed funding sources and strategies for completing the required TMDLs in an efficient manner, given the existing resource constraints. He discussed the status of individual TMDLs being developed for the Fremont River, Deer Creek Reservoir, Spring Creek, Cottonwood Wash, Pineview Reservoir, Silver Creek, and the lower Bear River.

Mr. Don Ostler said that TMDLs are a high priority issue. He noted that many states have been sued for failure to complete TMDLs. He said that Utah has approximately 132 TMDLs to complete within a ten year time period and while staff is currently on schedule, there remain a lot of TMDLs to complete. Mr. Ostler said that it will be a significant challenge to keep on schedule for completing TMDLs while at the same time ensuring that the completed plans are implemented in a meaningful way.

Mayor Cushing asked if staff had considered contingencies for problems that may arise and delay the current schedule. Mr. Judd said that staff is currently concentrating on complex TMDLs in order to give some flexibility in the future. The Board and staff discussed strategies being developed to streamline the process for different types of TMDLs.

Mr. Adams asked if staff anticipated that the implementation plans would impact point source dischargers. Mr. Ostler said that they could. Ms. Wechsler asked about the contracting process for TMDLs and how the requests for proposals (RFP) were distributed. Mr. Judd outlined the process.

2. **Circle Four Farms Status Report** - Mr. Dennis Frederick briefed the Board on compliance issues with Circle Four Farms as outlined under Tab 2 of the Board's Packet. He described two compliance issues, both of which resulted in Notice of Violations (NOVs) being issued. Mr. Frederick said that regarding the first NOV, monitoring data from a shallow well located downgradient from a wastewater lagoon showed elevated nitrate and total dissolved solids levels which exceed protection limits. Staff requested a plan to determine where the leak was coming from. Circle Four has submitted the plan, and it appears that the Company will have to drain the lagoon to repair the liner. Mr. Frederick said that staff is working with the Company to develop a plan to help them get the facility back in compliance. The second issue involved a leak at another lagoon site which caused a partial collapse of an embankment. Mr. Frederick said that the Company was able to get the water level in the lagoon down quickly so there was no danger of the embankment failing. He said that the Company has been working diligently to resolve both issues.

Mr. Frederick discussed several local developments affecting hog farms in the area. He said that several months ago Beaver County was circulating a proposed odor ordinance. He said that the Division, along with several other interested and affected parties, submitted comments. The County has since put the issue on hold while they evaluate the information they received and work toward possible solutions to the problem. Mr. Frederick said that more recently, Iron County proposed a new agricultural ordinance. He said that it is clear that the objective of the ordinance is to prevent Circle Four from constructing contract farms in Iron County. The County has indicated that the ordinance is meant to protect current traditional agriculture and property values. He said that the ordinance is very complex and the County is currently preparing a third draft. In the interim, they have passed a six-month moratorium on any new CAFOs in the area while they work on the new ordinance. Mr. Frederick said that it did not appear that the ordinance would be completed within six months based on a recent meeting he attended. The Board and staff held a lengthy discussion on several additional issues regarding the Iron County ordinance and on general issues regarding Circle Four Farms and the concerns of citizens in the area.

LOAN PROGRAM

1. **Financial Assistance Status Report** - Ms. Nancy Hess updated the Board on the financial status of the Wastewater Loan Program as outlined under Tab 3 of the Board's Packet.
2. **Millville City (first hearing)** - Mr. Tim Beavers briefed the Board on Millville City's proposed project as outlined under Tab 3 of the Board's packet. He said that Millville City is requesting that the Water Quality Board provide assistance in the amount of \$4,987,000 for the design and construction of a new centralized wastewater collection system. This request includes the refinancing of the \$391,000 loan authorized by the Board at its November 19, 1999 meeting which allows Millville to participate with Nibley on the construction of an interceptor sewer, lift station and force main to Logan City's wastewater collection system and treatment lagoons. Mr. Beavers said that Millville will refinance the previously authorized loan and will apply the \$391,000 hardship grant received from the Board towards the total amount of grant funds needed to render this project affordable according to the Board's criteria. The selected alternative is for Millville City to build a centralized collection system and then connect into Logan City's treatment plant via Nibley. Mr. Beavers said that the anticipated user rate for the project will be approximately \$46 per month. He noted that the citizens were aware of the projected user fees.

Mr. Beavers said that when the original funding was authorized, it was with the understanding that construction of a centralized wastewater collection system for the city was several years in the future. However, during the public meetings concerning the City's involvement in the Nibley project, the City Council was impressed with the amount of positive support and decided to continue the planning process for a centralized system. Another public meeting was held and there was overwhelming support from the citizens for the City to continue with the planning effort.

Ms. Wechsler questioned why the growth rate was so high. Mayor Thompson explained that Logan is at 85% of maximum build-out and since Millville is close to Logan people are moving there. Chairman Shaw noted that there was no local contribution for the project. Mr. Beavers said that the Board has previously decided that the cost of abandoning existing septic systems and hooking up to the system was determined to be an out-of-pocket, in-kind contribution for the project. Chairman Shaw said that in other recent loans, the Board has requested that a local contribution be made in the form of a connection fee. He asked if the Board would see recommendations without a connection fee-funded local contribution in the future. Mr. Beavers said that in this case, considering the cost of the project and the high user fee, he felt that the approach was appropriate. Chairman Shaw said that personally, he was not in favor of this approach becoming the policy of the Board for every unsewered community. Mr. Baker said that as a result of discussions held during the February work meeting, staff was under the impression that for

unsewered communities, this was the policy of the Board. Mayor Thompson noted that the town had very little tax base to draw on for connection fees.

3. **Fairview City (Action Item):** Mr. J.D. McDonald briefed the Board on the proposed project as outlined in the staff's revised feasibility report (Attachment III). He said that the City of Fairview is requesting assistance from the Water Quality Project Assistance Program in the amount of \$3,016,000 to assist in the construction of a wastewater collection and treatment system for the City. The city is also requesting the Board to convert the \$26,000 planning advance to a grant and fund a design advance in the amount of \$351,000. He noted that Fairview has also received a special \$290,700 EPA Hardship Grant. Mr. McDonald said that the Town has applied to both the Permanent Community Impact Board (PCIB) and the Rural Development Agency (RDA) for funding. He said that the PCIB has advanced the application with some modification from the Town's application. The modification lowered the amount of the grant request from \$800,000 to \$500,000 and increased the loan amount from \$500,000 to \$800,000. He said that the RDA has indicated that it will provide a \$1,500,000 grant and \$750,000 in loan fund to complete the package. He noted that the RDA funds are not available at the present time because the federal budget has not been approved. He said that the proposed funding package results in a monthly user fee of \$31.25, or 1.4 percent of the median adjusted gross income.

Mr. McDonald said that it is the staff's recommendation that the Board authorize the following funding package: 1) a \$250,000, 20-year, 0% State Revolving Fund loan; 2) a \$1,466,000, 30-year, 0% Water Quality Loan; and 3) a \$1,300,000 WQ Hardship Grant. In addition, staff recommends the \$26,000 planning advance be converted to a grant. The staff also recommends that the Board authorize a \$351,000 advance from the hardship grant for design.

Mr. McDonald said that the recommendation was subject to the following special conditions: 1) the City must complete the facility planning process prior to the release of funds for design; 2) the City must complete a Water Conservation and Management Plan; 3) the City must agree to participate in the annual Municipal Wastewater Planning Program; 4) the City will be required to make a prepayment on the WQB 30-year loan of an additional \$150/year debt service payment for every equivalent residential unit served over 540 units.

Action Taken:	It was moved by Dr. Sims, seconded by Mayor Thompson and unanimously carried to authorize: 1) a \$250,000, 20-year, 0% State Revolving Fund loan; 2) a \$1,466,000, 30-year, 0% Water Quality Loan; and 3) a \$1,300,000 WQ Hardship Grant. In addition, that the previously authorized \$26,000 planning advance be converted to a grant and that a \$351,000 advance from the hardship grant be authorized for design. The
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authorization was subject to the special conditions contained in the staff's feasibility report.

4. **Adoption of the FY2001 SRF Intended Use Plan (Action Item)** - Ms. Nancy Hess directed the Board's attention to a handout containing the correct copy of the Intended Use Plan which was authorized by the Board and public noticed (Attachment IV).

Action Taken: It was moved by Mr. Williams, seconded by Mr. Adams and unanimously carried to adopt the revised FY2001 SRF Intended Use Plan.

5. **Adoption of the FY2001 Utah Wastewater Project Priority List and System (R317-100)(Action Item)** - Ms. Shelly Quick said that no adverse comments had been received during the public comment period for the proposed amendment. She said that it is the staff's recommendation that the Board adopt the amendments to R317-100 as originally proposed.

Action Taken: It was moved by Mr. Williams, seconded by Ms. Bunker and unanimously carried to adopt the proposed changes to R317-100.

STAFF REPORTS

1. **Central Weber Wastewater Discharge** - Mr. Fred Pehrson discussed issues surrounding the recent bypass of untreated wastewater from the Central Weber Sewer Improvement District's (CWSID) wastewater treatment plant . He said that the District's plant is one of the largest plants in the state with a design flow of about 45 million gallons per day (mgd). He said that the District is currently in the process of a major modification to their plant, including installation of a secondary clarifier and modifications to their headworks. In order to complete installation of the new components, the plant needed to bypass its inflowing wastewater stream. He said that the plant operates under an approved UPDES permit that is consistent with federal rules which allow wastewater bypasses of this type. Mr. Pehrson said that staff had evaluated options available to the District and was fully aware that the project would require a bypass. He said that actions taken by the District to minimize the impact included focusing the timing of the bypass to coincide with periods of low inflow. The Division also required the District to notify downstream users and those who would have occasion to come into contact with the sewage resulting from the bypass. He said that staff received complaints from the general public as well as state and federal agencies that they were not contacted or were not contacted early enough. Mr. Pehrson said that staff is currently reviewing these issues and evaluating our current procedures in this regard. He indicated that there is room for improvement in the area of advance notice. The Board and staff discussed the issue of notification.

2. **Municipal Wastewater Planning Program Update** - Mr. Paul Krauth gave the Board a brief slide presentation update (Attachment V) on the Municipal Wastewater Planning Program (Tab 4). He said that the voluntary program, started in 1992, consists of self-evaluation surveys of all wastewater systems. Mr. Krauth noted that the Division provides incentives for completing the surveys by issuing continuing education units towards operator certification, and awarding additional points on the Wastewater Project Priority List. He discussed the kind of information assessed by the survey including financial, treatment and collection systems. Mr. Krauth said that he felt that the program was very successful, noting that in excess of 90% of wastewater facilities have completed the survey at least once. He said that the program results in: 1) increased awareness and communication between financial and operational staffs; 2) wastewater needs being looked at on an annual basis; and 3) increased safety programs.

NEXT MEETING

The next meeting of the Board was tentatively scheduled to be held on November 17, 2000 in Salt Lake City.

K. C. Shaw, Chairman